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7 Attorneys for Defendant
Burbank Police Department Officer Gunn
8

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11

12 PRESTON SMITH, an individual;

13 Plaintiff,

14 vs.
15

16 CITY OF BURBANK; BURBANK
17 POLICE DEPARTMENT;
BURBANK POLICE DEPARTMENT
18 OFFICER GUNN; BURBANK
POLICE DEPARTMENT OFFICER
19 BAUMGARTEN; BURBANK
POLICE DEPARTMENT OFFICER
20 EDWARDS; AND DOES 1
21 THROUGH 100, INCLUSIVE

22 Defendants.
23

Case No. CV 10-08840 R (AGRx)

Honorable Manuel L. Real

JOINT EXHIBIT LIST

Trial: July 10, 2012

Time: 9:00 a.m.

Courtroom: 8

Pretrial Conf.: June 11, 2012

Time: 11:00 a.m.

Courtroom: 8

24 TO THE HONORABLE COURT, ALL PARTIES, AND TO THEIR COUNSEL
25 OF RECORD:

26 ///

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1 Defendant OFFICER NEIL GUNN, JR. (hereinafter "Officer Gunn"),
 2 Defendants CITY OF BURBANK, BURBANK POLICE DEPARTMENT,
 3 BURBANK POLICE OFFICERS ADAM BAUMGARTEN, and MICHAEL
 4 EDWARDS (hereinafter "Burbank Defendants") and Plaintiff Preston Smith
 5 (hereinafter "Plaintiff") hereby submit the following joint list of exhibits for trial.
 6

7 **EXHIBIT LIST**

8 Case Title: SMITH v. CITY OF BURBANK, ET. AL.

9 Case No.: CV 10-08840 R (AGRx)

11 No. of	Description	Date	Date
12 Exhibit		Identified	Admitted
13 100	The complete personnel file for Officer		
14	Gunn, including but not limited to all		
15	training materials, performance reviews,		
16	complaints, reprimands, and citations.		
17 101	The complete personnel file for Officer		
18	Edwards, including but not limited to all		
19	training materials, performance reviews,		
20	complaints, reprimands, and citations.		
21 102	The complete personnel file for Officer		
22	Baumgarten, including but not limited to all		
23	training materials, performance reviews,		
24	complaints, reprimands, and citations.		
25 103	Documents provided to Officers Gunn,		
26	Edwards and/or Baumgarten pertaining to		
27	the proper procedures to be employed in		
28	the use of Tasers during the course and		

1	No. of	Description	Date	Date
2	Exhibit		Identified	Admitted
3		scope of their employment as police		
4		officers.		
5	104	Statements of witnesses in connection		
6		with the incident sued upon herein,		
7		including but not limited to the transcripts		
8		of any statements, the audio recordings of		
9		any statements and the video recordings of		
10		any statements.		
11	105	Photographs taken of any person, place or		
12		thing in connection with the incident sued		
13		upon herein, including but not limited to		
14		the digital images of any photographs as		
15		well as color copies of any photographs.		
16	106	Documents pertaining to any video taken		
17		of any person, place or thing in connection		
18		with the incident sued upon herein,		
19		including but not limited to the video itself		
20		and any transcriptions prepared in		
21		connection with said videos.		
22	107	Documents pertaining to any statement		
23		taken of any person in connection with the		
24		investigation of Officers Gunn, Edwards		
25		and Baumgarten with respect to the arrest		
26		of Preston Smith on or about April 10,		
27		2009, including but not limited to the		
28		transcripts of any statements, the audio		

1	No. of	Description	Date	Date
2	Exhibit		Identified	Admitted
3		recordings of any statements and the video		
4		recordings of any statements.		
5	108	Documents pertaining to any photographs		
6		taken of any person, place or thing in		
7		connection with the investigation of		
8		Officers Gunn, Edwards and Baumgarten		
9		with respect to the arrest of Preston Smith		
10		on or about April 10, 2009, including but		
11		not limited to the digital images of any		
12		photographs as well as color copies of any		
13		photographs.		
14	109	Documents pertaining to any video taken		
15		of any person, place or thing in connection		
16		with the investigation of Officers Gunn,		
17		Edwards and Baumgarten with respect to		
18		the arrest of Preston Smith on or about		
19		April 10, 2009, including but not limited		
20		to the video itself and any transcriptions		
21		prepared in connection with said videos.		
22	110	Documents provided to Officers Gunn,		
23		Edwards and/or Baumgarten pertaining to		
24		the proper procedures to be employed in		
25		the arrest of suspects during the course		
26		and scope of their employment as police		
27		officers.		
28	111	Documents pertaining to the use,		

1	No. of	Description	Date	Date
2	Exhibit		Identified	Admitted
3		maintenance, and repair of the taser that		
4		was used in this incident, including but not		
5		limited to any record of the number of		
6		times the taser was used during the course		
7		of the incident.		
8	112	Documents pertaining to the use,		
9		maintenance, and repair of the taser that		
10		was used in this incident, including but not		
11		limited to any record of the number of		
12		times the taser on the day of the incident.		
13	113	The taser that was used in this incident.		
14	114	Documents pertaining to any complaints		
15		against Officers Gunn, Edwards or		
16		Baumgarten during the time of their		
17		employment as Burbank Police Officers.		
18	115	Documents pertaining to any radio		
19		communications with respect to the		
20		Incident, including but not limited to		
21		transcripts and recordings of said		
22		communications.		
23	116	Documents pertaining to any 911 calls		
24		with respect to the incident, including but		
25		not limited to transcripts and recordings of		
26		said communications.		
27	117	Documents pertaining to any radio		
28		communications with respect to the		

1	No. of	Description	Date	Date
2	Exhibit		Identified	Admitted
3		Incident, including but not limited to		
4		transcripts and recordings of said		
5		communications.		
6	118	Any computer module, computer chip or		
7		other device that is part of the taser that		
8		was used in the incident and which		
9		recorded any information at or about the		
10		time of the incident, including but not		
11		limited to the amount of voltage that was		
12		used and the number of times the device		
13		was used.		
14	119	Any computer module, computer chip or		
15		other device that is part of the taser that		
16		was used in the incident and which		
17		recorded any information on the day of the		
18		incident, including but not limited to the		
19		amount of voltage that was used and the		
20		number of times the device was used.		
21	120	Documents provided to Officers Gunn,		
22		Edwards and/or Baumgarten pertaining to		
23		the proper procedures to be employed in		
24		connection with reporting arrests such as		
25		the one involved in this Incident		
26	121	Medical Records from Providence St.		
27		Joseph Medical Center for care and		
28		treatment received in connection with the		

	No. of	Description	Date	Date
	Exhibit		Identified	Admitted
1		subject incident of April 10, 2009.		
2				
3				
4	122	Photographs of Injuries received in		
5		connection with the subject incident of		
6		April 10, 2009.		
7	200	Misdemeanor Complaint		
8	201	Misdemeanor Advisement of rights,		
9		Waiver, and Plea Form		
10	202	Los Angeles Superior Court Docket, Case		
11		No. 9BR01353		
12	203	Audio recording of dispatch		
13	204	Police Reports, DR. # 07-2280.		
14	205	Demonstrative map of Clybourn and Victor		
15		Blvd. and location of Incident		
16	206	Plastic baggie containing Cocaine		
17	207	Piece of crack pipe		
18	208	Cell phone Virgin Kyocera Serial #		
19		010531905244		
20	209	Cell phone Samsung Serial #64722		
21	210	Burbank Police Department Property and		
22		Evidence Report		
23	211	Digital Scale Box		
24	212	Burbank Police Department, Drug		
25		Influence Report		
26	213	Burbank Police Department, Vehicle		
27		Report		
28	214	Los Angeles County Booking and		

	No. of	Description	Date	Date
	Exhibit		Identified	Admitted
1		Property Record		
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4	215	United States Department of Justice, FBI,		
5		Criminal Justice Information Services		
6		Division Arrest/Conviction History for		
7		Preston Smith		
8	216	Photo		
9	217	Photo		
10	218	Photo		
11	219	Photo		
12	220	Photo		
13	221	Video recording of booking		
14	222	Burbank Police Department, Dispatch		
15		Printout		
16	300	Plaintiff's Government Claim including		
17		attachments		
18	301	Plaintiff's Declaration dated and filed on		
19		April 26, 2012, in support of Plaintiff's		
20		Opposition to Motion for Judgment on the		
21		Pleadings and Application for an Order		
22		Denying, Deferring or Continuing Motion		
23	302	Plaintiff's Objections and Responses to		
24		Officer Gunn's Request for Admissions		
25	303	Plaintiff's Objections and Responses to		
26		Officer Gunn's Interrogatories		
27	304	Plaintiff's Objections and Responses to		
28		Officer Gunn's Request for Production of		

	No. of	Description	Date	Date
	Exhibit		Identified	Admitted
1		Documents		
2				
3				
4	305	Burbank Police Department Investigative		
5		Materials		
6	306	Criminal File for Plaintiff's underlying		
7		criminal case (<i>People v. Preston Smith</i> ,		
8		LASC Case No. 9BR01353)		
9	307	Transcript of Plaintiff's plea agreement		
10	308	Los Angeles County-USC medical records		
11		for Plaintiff		
12	309	California Department of Corrections		
13		Healthcare records for Plaintiff		
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1 Dated: May 21, 2012

LAW OFFICES OF MANUEL H. MILLER
A Professional Corporation

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By /s/ Michael Coletti
Michael Coletti
Attorneys for Plaintiff Preston Smith

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7 Dated: May 21, 2012

BURBANK CITY ATTORNEY'S OFFICE

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By /s/ Carol A. Humiston
Carol A. Humiston
Attorneys for Defendants
City of Burbank, Burbank Police
Department, Officer Baumgarten and
Officer Edwards

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14 Dated: May 21, 2012

LAWRENCE BEACH ALLEN & CHOI, PC

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By /s/ Nathan A. Oyster
Nathan A. Oyster
Attorneys for Defendant
Burbank Police Department Officer Gunn

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